

# EXHIBIT “H”

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
MIRIAM BAUZA,

Plaintiff,

- against -

Case No. 07 CIV. 6542

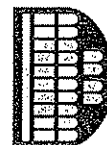
MEDIACOM COMMUNICATIONS CORPORATION,

Defendant.  
-----X

March 17, 2008

10:04 a.m.

Deposition of REGINA BURGOS, a witness on behalf  
of the Defendant herein, taken pursuant to Notice,  
and held at the offices of Bonnist & Cutro, 800  
Westchester Avenue, Suite S332, Rye Brook, New  
York, before April Pearl Schirm, a Court Reporter  
and Notary Public of the State of New York.



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REGINA BURGOS

don't know how it gets started. I would send them to HR.

Q. Okay. Great. That's fair enough. I don't want you answering questions you don't have an answer to.

was Mediacom a self-insured entity with regard to disability benefits?

A. Yes.

Q. What does that mean, self-insurer?

A. As far as I know, we pay for everything.

Q. Okay. So Aetna in this case, everyone understands that they are an insurance company, they weren't actually making the payment of any disability benefits to any employees?

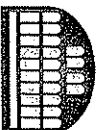
A. Yes, they make the payment, but we pay them.

Q. Okay. That's fine. I was going to finish my question. That's good.

so they administer the disability policy for Mediacom?

A. I guess so.

Q. Do you feel a little uncomfortable answering that?



1 REGINA BURGOS

2 A. Yeah, because that is more benefits,  
3 you know.

4 Q. Okay. Is it fair to say that your  
5 understanding of it is that the company ultimately  
6 made the -- was responsible for the payments, but  
7 Aetna had some role in actually distributing the  
8 payments to the employees?

9 A. All I know is Aetna makes the  
10 payments.

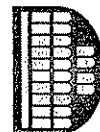
11 Q. Right.

12 A. And they bill Mediacom.

13 Q. Okay. That's fair enough. And as far  
14 as your role in auditing this process, where do  
15 you come in as far as your audit, when you  
16 testified a few moments ago that you audit -- you  
17 got reports from Aetna?

18 A. Employees are supposed to receive 66  
19 and two thirds of their pay. So I have all of  
20 their salary information, and I see the payments.  
21 I see in the system when they went out. So I know  
22 there is a waiting period, and I know what they  
23 are supposed to receive.

24 Q. Okay. Now, is that part of your  
25 normal job responsibilities to review those



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records from Aetna in regards to disability  
payments to employees?

A. Yes.

Q. Now, did you ever get that directive  
from management that that was part of your  
responsibilities? Was that something in writing  
or something someone told you orally or both or  
neither?

A. Neither.

Q. How did it come to be your  
understanding that that was part of your job  
responsibility; reviewing the disability payments  
made by Aetna?

A. From previous employment.

Q. Not related to Mediacom?

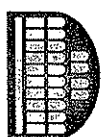
A. Not related to Mediacom.

Q. How did it come about that you would  
get information from Aetna in regards to  
disability payments made to employees?

A. About a month after I started, I got a  
stack of envelopes this high.

Q. Let the record reflect you are making  
a very high stack.

A. Uh-huh.



1 REGINA BURGOS

2 Q. Where did those come from, those  
3 records?

4 A. Benefits, Joe Michulski.

5 Q. Internally from the company and  
6 Mr. Michulski?

7 A. He was getting them, and they became  
8 my responsibility.

9 Q. When you received that stack of  
10 paperwork, was there any explanation of an  
11 expectation of what you were supposed to do with  
12 it?

13 A. There was an understanding that I knew  
14 what to do with it.

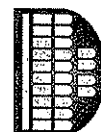
15 Q. Okay. When you first received that  
16 stack of documents, what time period did it cover,  
17 do you know?

18 A. No, I don't know.

19 Q. When you started in June 2006, when is  
20 the first time, do you recall, that you reviewed  
21 information regarding disability benefits that  
22 were paid by Aetna?

23 A. Probably, and I'm guessing, probably  
24 in July, August time frame.

25 Q. Okay. And what would be your



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procedure, if you had any, for reviewing those materials?

A. I would open envelopes and go through them, put them in order, spot check a few employees, make sure we are paying the right amount. Go through, look at the taxes that were withheld, make sure the social security is correct, look and see when the last time we made a deposit concerning those amounts are and just go through and spot check. I wouldn't check each person, but I would go through and check, you know, every three or four, especially the ones in the corporate office, because those I'm more familiar with, their salaries, but I would check the field too, make sure the payments are correct.

Q. And these payments that you reviewed, these were for all employees of Mediacom?

A. Yes.

Q. If you can answer this, when you got this report from Aetna, generally, how many employees would sometimes be on the list, or was it a range?

A. It depends. By the end of the quarter, there would be a few hundreds.



1 REGINA BURGOS

2 Q. Out of that few hundred, what would be  
3 a typical sample for you to review?

4 A. Maybe 40, 50, depending on how many  
5 came in at a time. Sometimes I could do the whole  
6 report. Just depends.

7 Q. Okay. Now, if you had found a  
8 discrepancy in one of those reports, what would  
9 you do next?

10 A. After I checked the information?

11 Q. Yes.

12 A. I would go to HR and give them the  
13 information and let them know there is something  
14 wrong here.

15 Q. Who in HR would you go to?

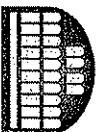
16 A. Judy Mills.

17 Q. Now, what determined that that was the  
18 procedure for you to follow?

19 A. She's the head of benefits. That is  
20 her area.

21 Q. Okay. So no one specifically advised  
22 you to do that, but it was your understanding from  
23 your past experience that that would be the person  
24 you normally would go to?

25 A. Not even from past experience. She is





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employee, but thereafter at the end of the summer,  
she came back to work?

A. Yes.

Q. When you use the term back to work, do  
you have an understanding of why she wasn't at  
work?

A. She was on disability.

Q. How did you know that at the time, if  
you knew that at the time?

A. Because when I started employment,  
they said I had two direct reports, one was Miriam  
and she was on disability.

Q. Okay. I'll back up a little bit. So  
you started the job in June 2006, you reported to  
Mr. Walsh, right?

A. Uh-huh.

MR. RIOLO: You have to say yes.

A. Yes.

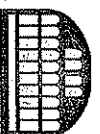
THE WITNESS: Sorry.

MR. RIOLO: It's okay.

Q. You just testified you had two direct  
reports, one was Ms. Bauza?

A. Yes.

Q. Who was the other employee?



1 REGINA BURGOS

2 payroll and doesn't know payroll.

3 Q. Your testimony is that Ms. Falto  
4 reported to Ms. Bauza?

5 A. Yes.

6 Q. What made you draw the conclusion that  
7 she didn't have a knowledge of payroll?

8 A. A couple of things. I had given her a  
9 spreadsheet that I needed salary information on.  
10 When I received it back, there was incorrect  
11 information.

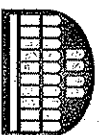
12 I gave her -- this is probably the  
13 biggest issue. I gave her 100 to 200 checks. We  
14 needed manual checks. They had to be grossed up,  
15 which is a minor term in payroll. If you are  
16 doing payroll, you should know what gross up  
17 means. I got the checks back, and every single  
18 check was incorrect.

19 Q. As far as the spreadsheet issue, did  
20 you ever ask Ms. Bauza why she did not do it up to  
21 your expectations?

22 A. I sent it back to her and asked her to  
23 correct it.

24 Q. Did she correct it?

25 A. Yes.



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that Ms. Falto was reporting to her, even after  
you -- even when you started employment?

MR. RIOLO: Objection to form.

MR. CUTRO: That's a bad  
question.

Q. Ms. Bauza never learned of the fact  
that, in your estimation, Ms. Falto was no longer  
reporting to her; is that correct?

A. No, I believe she knew.

Q. How did she know?

A. Because there was a new manager, and  
while she was out, Gladys reported to me.

Q. Who was the manager prior to you?

A. Of payroll?

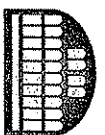
Q. Yes.

A. I guess Joe Michulski. I wasn't  
there, so.

Q. Okay. Sitting here today, your  
understanding of the prior chain of command would  
have been Mr. Michulski on top, Ms. Bauza and  
Ms. Falto, correct?

A. Yes.

Q. It's your testimony that you were  
hired when Ms. Bauza was out on disability leave,



1 REGINA BURGOS

2 correct?

3 A. Yes.

4 Q. And you came in below Mr. Michulski,  
5 correct? In the stead of Mr. Michulski?

6 A. Mr. Michulski's job is not payroll  
7 manager. He is in another position.

8 Q. Okay.

9 A. The company felt that they needed  
10 somebody in an upper position in payroll that knew  
11 the job, and that is the position I took.

12 Q. You took that position?

13 A. That was a brand new position.

14 Q. Did you ever ask Ms. Bauza, in regards  
15 to that spreadsheet issue, if she assigned that  
16 work to be done by anyone else?

17 A. No.

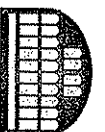
18 Q. But when you raised the issue about it  
19 not being correct with her, you did get back that  
20 work corrected?

21 A. Yes.

22 Q. She met your expectations then?

23 A. Yes.

24 MR. RIOLO: Objection. You can  
25 answer. It's fine.



1 REGINA BURGOS

2 Q. Okay. Did you have any involvement in  
3 the decision to terminate Ms. Bauza?

4 A. No.

5 Q. To your understanding, who made that  
6 decision?

7 A. Human resources.

8 Q. Do you know why Ms. Bauza was  
9 terminated?

10 A. Do I know why?

11 Q. Yeah.

12 A. Why the decision was made? I wasn't  
13 part of the decision making, but it did relate,  
14 that I know, to the Aetna overpayments.

15 Q. And how do you know that?

16 A. Because I brought the Aetna  
17 overpayments to their attention.

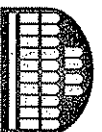
18 Q. Did you make any recommendation?

19 A. I was not in the position to do that.

20 Q. You brought the over -- I think you  
21 testified to this earlier. You discovered the  
22 error after reviewing the Aetna statements, right?

23 A. Yes.

24 Q. And you brought that to the attention  
25 of Ms. Mills, right?



1 REGINA BURGOS

2 A. Yes.

3 Q. Did you say anything to Ms. Mills in  
4 regards to how you wanted that situation to be  
5 handled?

6 A. No.

7 Q. I'm going to show you a document.

8 MR. CUTRO: Let's mark these.

9 MR. RIOLO: Can we take a break  
10 while you mark the documents.

11 MR. CUTRO: Sure.

12  
13 (Recess taken.)

14  
15 (Plaintiff's Exhibit 2,  
16 SPREADSHEET BATES STAMPED  
17 235-236, marked for  
18 identification.)

19  
20 (Plaintiff's Exhibit 3, ONE-PAGE  
21 HANDWRITTEN DOCUMENT BATES  
22 STAMPED 237, marked for  
23 identification.)

24  
25 BY MR. CUTRO:



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2 asking you about, that conversation.

3 A. When Miriam first came back --

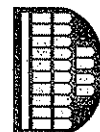
4 MR. RIOLO: This is a different  
5 conversation, just for clarity.

6 THE WITNESS: Yes, it is, other  
7 than the exempt, nonexempt.

8 Q. Okay.

9 A. When Miriam first came back, she had  
10 to take a day off. I'm not sure if it was the  
11 same week she came back or the next week. It was  
12 very close to the time she came back. She took  
13 the day. Again, I told her you take the time you  
14 need. She took the day. It was time to turn in  
15 time sheets. She brought her time sheet to me and  
16 she said, can I get paid for the day I took off.  
17 I said, you know what, Miriam, no. I said, you  
18 took off part of the time because you had to go to  
19 another doctor the day before, which we're paying  
20 you for. I said, you don't have any time left in  
21 your bank. You didn't come in. I'm sorry. I  
22 don't feel you should be paid for the day. That  
23 conversation took place.

24 At some point, she went to my boss,  
25 Brian Walsh, and said, you know what, I work extra



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hours, you know, I think I should be paid this.

Brian Walsh called me into his office and said,

we're going to pay Miriam for the time off. I

said okay. We will. He is my boss. He told me

to pay her. So after that, every time she took

off she got paid.

Q. It's your understanding you had the  
authority --

A. I didn't have the authority.

Q. Let me finish the question.

When you first gave the response to  
Ms. Bauza that the company wasn't going to pay  
her, it was your understanding that you had the  
authority to make that decision?

A. I had the authority to approve or not  
approve the time card, yes.

Q. What made you have that understanding,  
that that was in your authority?

A. Because every manager approves their  
employee time cards.

Q. You didn't take it upon yourself to go  
ask Mr. Walsh whether or not Miriam can get paid  
for that day?

A. No.

